IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 17202 of 1994

Between:

D.Doorvasulu, s/o. Veeraiah, r/o. Fort,

Warangal, Warangal dist. ,,, Petitioner

AND

1)Govt. of A.P., rep. by its Principal Secretary,

Revenue (U.C.1) Department, Secretariat, Hyderabad.

2)The Special Officer (competent authority), Urban Land Ceilings, Warangal.

3)The Mandal Revenue Officer, Hanumakonda, Warangal dist.

4) D.Sambaiah (died by LRs 5 and 6)

5)Gajjella Ramulu, s/o. Sambaiah, r/o. H.No.20-50-130, Fort,

Warangal West, Warangal.

6)Gajjella Sammakka, w/o. Sambaiah, r/o. H.No.20-50-130, Fort,

Warangal West, Warangal.

(RR. 5 and 6 were added as LRs of deceased fourth respondent

as per the court order dated 28.02.2002 in WPMP No.4343 of 1999)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the second respondent in not correcting the clerical mistake of showing 0-3- gts. of land against against sy. No.1654 instead of sy. No.1653 and not passing any orders and consequential action of the first respondent in not showing 910 sq.mts in sy. No.1654 as one as excess to be allotted to the Mandal Revenue Officer, 3rd respondent for making weaker section housing purposes as totally illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and also violative of principles of natural justice and consequently set aside G.O. Ms. No.348 dated 16.04.1994 to the extent of 910 sq. mts. Shown against sy. No.1654.

Counsel for the Petitioner: Mr. S.Lakshma Reddy

Counsel for the Respondent Nos. 1 to 3: G.P. for Revenue(assignments)

Counsel for the respondents 5 and 6 : None appeared.

The Court made the following :

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 17202 of 1994

ORDER:

Heard Sri S.Lakshma Reddy, learned counsel appearing for the petitioner and the learned Government Pleader for Revenue (Assignments) appearing on behalf of the respondents 1 to 3. None appears for the respondents 5 and 6 though served.

The petitioner herein filed this Writ Petition, *inter alia*, seeking a Writ of Mandamus to declare action of the second respondent herein in not correcting the clerical mistake of showing Ac.0.30 guntas of land against survey no. '1654' instead of '1653' and not passing any orders and consequential action of the first respondent in showing 910 sq. mtrs. in survey no.1654 as one as excess to be allotted to the third respondent.

The case of the petitioner is that in a declaration filed by his father, an extent of Ac.0.30 guntas was shown in survey no. 1654 and ultimately, under Section 8(4) of the Urban Land Ceiling Act, 1976(for short, 'the Act, 1976'), the second respondent passed orders on 10.03.1982, however, in place of '1654', '1653' is sought to be shown the land in which does not belong to him. For correcting the same, the petitioner filed application on 15.04.1982 before the second respondent and the said application is still kept pending without passing any orders. However, in the mean while, at the instance of some other third parties, who sought to claim the land in question, the same is sought to be proceeded against. Hence, the Writ Petition.

Having heard the counsel on either side and on perusal of the material, the fact remains that the petitioner's application seeking for correction of error in regard to the survey number is still pending. There is absolutely no justification forthcoming on behalf of the second respondent in keeping such an application pending without passing any orders. It is now well settled that it is always open for the authorities to correct any such errors even though no final orders are passed under Section 8(4) of the Act, 1976.

The case of the petitioner is that, in fact, the land in survey no. 1653 does not belong to him, but it is only the land in survey no. 1654 that belongs to him, which can come up for consideration during any such enquiry for inclusion or otherwise. In view of the same, it is not necessary to go into the merits of the claim. It would suffice in the interest of justice to direct the second respondent to dispose of the said application.

The Writ Petition is, accordingly, disposed of directing the second respondent to consider the application of the petitioner and pass orders in pursuance on merits in accordance with law after giving notice and opportunity. It is needless to mention that till the disposal of the application, no further steps shall be taken for taking possession thereof. No costs.

(B.Prakash Rao, J.)

10.03.2005

DRK

Copy to:

1)The Principal Secretary to Govt. of A.P.,

Revenue (U.C.1) Department, Secretariat, Hyderabad.

2)The Special Officer (competent authority), Urban Land Ceilings, Warangal.

3)The Mandal Revenue Officer, Hanumakonda, Warangal dist.

4) Two CCs. to the G.P. for Revenue (assignments), High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

5) Two CD copies.